

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

B.P.J. by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

Defendants,

and

LAINIEY ARMISTEAD,

Defendant-Intervenor.

Civil Action No. 2:21-cv-00316

Hon. Joseph R. Goodwin

DECLARATION OF SRUTI SWAMINATHAN

I, Sruti Swaminathan, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney at Lambda Legal and counsel of record for Plaintiff B.P.J., with her next friend and mother, Heather Jackson. The following is true of my own personal knowledge, and, if called as a witness, I would and could testify competently thereto.
2. I submit this declaration in support of Plaintiff B.P.J.'s memoranda of law in support of motion to exclude the expert testimony of Stephen B. Levine.
3. Attached to this declaration are true and correct copies of the documents listed in the table below.

Exhibit	Description
A	Decl. and Expert Report of Stephen B. Levine, M.D.
B	Dep. Tr. of Stephen B. Levine, M.D., March 30, 2022
C	Aditi Bhargava et al., <i>Considering Sex as a Biological Variable in Basic and Clinical Studies: An Endocrine Society Scientific Statement</i> . 42(3) Endocr Rev. 219-258 (2021).
D	National Institutes of Health, Office of Research on Women's Health. <i>How Sex and Gender Influence Health and Disease</i> , https://orwh.od.nih.gov/sites/orwh/files/docs/SexGenderInfographic_11x17_508.pdf .
E	National Institutes of Health, <i>Consideration of Sex as a Biological Variable in NIH-Funded Research</i> (2015), https://grants.nih.gov/grants/guide/notice-files/NOT-OD-15-102.html .
F	Cecilia Dhejne et al., <i>Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden</i> , 6 PLoS ONE e16885 (2011)
G	Rikke Simonsen et al., <i>Long-term Follow-up of Individuals Undergoing Sex Reassignment Surgery: Psychiatric Morbidity and Mortality</i> , 70 Nordic Journal of Psychiatry 241-247 (2015). doi: 10.3109/08039488.2015.1081405.
H	Dep. Tr. of Stephen B. Levine, M.D. in <i>Kadel v. Folwell</i> , September 10, 2021.
I	Dep. Tr. of Stephen B. Levine, M.D. in <i>Claire v. Florida Dep't of Mgmt Servs.</i> , December 21, 2020.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 12, 2022

/s/ Sruti Swaminathan
Sruti Swaminathan

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CHARLESTON DIVISION

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Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF
EDUCATION, HARRISON COUNTY BOARD
OF EDUCATION, WEST VIRGINIA
SECONDARY SCHOOL ACTIVITIES
COMMISSION, W. CLAYTON BURCH in his
official capacity as State Superintendent, DORA
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CERTIFICATE OF SERVICE

I, Loree Stark do hereby certify that on this 12th day of May, 2022, I electronically filed a true and exact copy of the foregoing document with the Clerk of Court and all parties using the CM/ECF System.

/s/ Loree Stark

Loree Stark